

April 16, 2021

**VIA EMAIL DELIVERY**

Attn: *Larry Hannif-Ali, Audio Division, Media Bureau*  
[Larry.Hannif-Ali@fcc.gov](mailto:Larry.Hannif-Ali@fcc.gov)

Re: *Townsquare Media Killeen-Temple License, LLC*  
K232FU, Temple, TX  
Facility ID No. 201085  
Construction Permit File No. BNPFT-20180322ABC  
Construction Deadline: May 3, 2021

*Request for Waiver and/or Tolling of Construction Permit Deadline*

Dear Mr. Hannif-Ali:

Townsquare Media Killeen-Temple License, LLC (“Licensee”) holds the above-captioned construction permit. By its counsel and pursuant to Sections 1.3 and 73.3598(b) of the Commission’s Rules, Licensee hereby requests a waiver of the May 3, 2021 construction deadline for the above-referenced construction permit pursuant to the Commission’s guidance issued in the Public Notice released on September 10, 2020 (“Public Notice”).<sup>1</sup>

In the Public Notice, the Bureau noted that it may in appropriate cases grant a waiver of the construction deadline based on “rare and exceptional circumstances beyond the permittee’s control,” holding that, to the extent the COVID-19 pandemic has hindered the ability of an applicant to construct its translator facilities, those specific difficulties would constitute such a rare and exceptional circumstance beyond the permittee’s control. The Public Notice recognized that “shutdowns associated with the pandemic have forced stations to halt construction, have

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<sup>1</sup> *Media Bureau Announces Availability of Construction Deadline Waivers for Certain FM Translator Stations Awarded in Auctions 99 and 100*, Public Notice, DA 20-1059 (MB rel. Sept. 10, 2020).

disrupted equipment availability and deliveries, and have interrupted travel for tower and equipment installers.”<sup>2</sup> As set forth below, such circumstances are present in the instant case.

Licensee has suffered multiple disruptions from the COVID-19 pandemic, causing the delay in construction of K232FU. Specifically, Licensee’s engineer was unable to work on the project for prolonged periods of time – initially due to county mandated closures, and later due to quarantines following several exposures to COVID-19.<sup>3</sup> At the same time, Licensee has struggled to line up a tower crew, as the crew normally used by the Licensee has been dealing with a backlog of projects due to the pandemic. The Temple area then suffered an unprecedented series of harsh winter storms, making construction of the facility impossible. Now that the weather has turned, and Licensee has received a bid from the tower company, construction can proceed. However, additional time is needed.

In light of the fact that delays to completing construction are due to circumstances beyond its control, Licensee submits that the public interest will be served by waiving the construction deadline for the K232FU construction permit by an additional six months.

Respectfully submitted,

/s/ Howard M. Liberman

Howard M. Liberman

Counsel for Townsquare Media Killeen-  
Temple License, LLC

Attachment

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<sup>2</sup> *Id.*

<sup>3</sup> A statement from the engineer, supporting the specifics of this request, is attached.

**ATTACHMENT – Statement from Townsquare Engineer**

Re: Delays on getting the translator for KTEM installed

The KTEM translator project has been delayed due to Covid. From March 4, 2020 until August 14, 2020 our office was closed due to the county's shelter in place orders. This also caused the tower crew to get way behind. On November 18, 2020 we learned that an employee had tested positive for Covid. As a result, our office was closed again until November 23, 2020. At that point, the tower crew was out of town on jobs they were behind on. We were exposed to Covid again on December 17, 2020. This time all but 3 of the employees in our market tested positive. We were not allowed to return to the office until January 4, 2021. The tower crew was still out of town catching up on jobs. It looked like we would get moving on this in February, but mother nature took over. We had some of the coldest weather ever for this area. We had ice storms and snow storms and then ice again. This was from February 15, 2021 through February 18, 2021. There were a lot of power outages at that time. I finally received the bid from the tower company on March 20, 2021.

/s/ Doug Bernhardt

Doug Bernhardt

Market Engineering Manager

Townsquare Media – Killeen-Temple